

Mr. WESTMORELAND. Sir, that is not a hypothetical.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WESTMORELAND. I am asking you a question about the House rules. If I am not correct, further parliamentary inquiry, you are the arbitrator of those rules; is that true?

The SPEAKER pro tempore. The gentleman is correct that the Chair may describe pending parliamentary situations.

Mr. WESTMORELAND. Further parliamentary inquiry. According to clause 2(a) of rule XX, it says that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. Speaker, my parliamentary inquiry to you is: When would this rule apply to a vote where, at the end of the time, the outcome was different than what the majority wanted it to be?

The SPEAKER pro tempore. The Chair would advise the gentleman that the rules address the duration of votes in terms of minimum times; 15 minutes is a minimum time, not the maximum. A vote ultimately is called at the Chair's discretion, trying to accommodate all Members who wish to vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

We are talking about a single vote. We are talking about the previous question vote, rolcall No. 145, which was held open past the 15-minute mark to change the outcome. If clause 2(a) of rule XX does not apply to that, what would it apply to?

The SPEAKER pro tempore. The Chair is prepared to elucidate as follows:

It is true that under clause 2(a) of rule XX, a vote by electronic device "shall not be held open for the sole purpose of reversing the outcome of such vote."

In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome on the one hand, and activity that might have as its purpose the reversal of an already-established outcome, on the other.

The Chair also must be mindful that, even during a vote by electronic device, Members may vote by card in the well. So long as Members are recording their votes—even after the minimum period prescribed for a given question—the Chair will not close a vote to the disenfranchisement of a district whose representative is trying to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, what you just read, is that in the rules?

The SPEAKER pro tempore. That is the Chair's elucidation of the rule.

Mr. WESTMORELAND. So it is the Chair's interpretation of the rule, of clause 2(a) of rule XX; it is the Chair's interpretation that the vote can be held open to reverse the outcome of the vote?

The SPEAKER pro tempore. The statement of the Chair speaks for itself. It is the responsibility of the Chair to see to it that each and every Member of the House of Representatives who responds to the vote has a chance to record his or her vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker answer me why we have a time limit on votes?

The SPEAKER pro tempore. The 15-minute time period is not a limit. It is a minimum duration. After that, it is in the discretion of the Chair in order to allow all Members a reasonable opportunity to vote.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move we adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 258, not voting 33, as follows:

[Roll No. 148]

AYES—142

Aderholt	Crenshaw	Inglis (SC)
Akin	Culberson	Jindal
Alexander	Davis (KY)	Jordan
Bachmann	Davis, David	Keller
Bachus	Davis, Tom	King (IA)
Baker	Dent	King (NY)
Barrett (SC)	Diaz-Balart, L.	Kingston
Barton (TX)	Diaz-Balart, M.	Kirk
Biggert	Doolittle	Kline (MN)
Bilbray	Drake	Knollenberg
Bilirakis	Duncan	Lamborn
Bishop (UT)	Ehlers	Latham
Blackburn	Emerson	LaTourette
Blunt	English (PA)	Lewis (KY)
Boehner	Fallin	Lucas
Bonner	Fattah	Lungren, Daniel E.
Bono	Feeney	Manzullo
Boozman	Ferguson	Marchant
Boustany	Fossella	McCarthy (CA)
Brown-Waite,	Fox	McCaul (TX)
Ginny	Franks (AZ)	McCotter
Buchanan	Gallegly	McHenry
Burgess	Garrett (NJ)	McMorris
Burton (IN)	Gerlach	Rodgers
Buyer	Gilchrest	Mica
Calvert	Gingrey	Miller (MI)
Campbell (CA)	Gohmert	Miller, Gary
Cannon	Goodlatte	Murphy, Tim
Cantor	Graves	Musgrave
Capito	Hastert	Myrick
Carter	Hayes	Neugebauer
Castle	Heller	Nunes
Coble	Hensarling	Paul
Cole (OK)	Hobson	Pearce
Conaway	Hunter	

Pence	Ros-Lehtinen	Thornberry
Pickering	Roskam	Tiahrt
Pitts	Sali	Tiberi
Poe	Schmidt	Upton
Porter	Sensenbrenner	Walberg
Price (GA)	Sessions	Walden (OR)
Putnam	Shays	Westmoreland
Regula	Shimkus	Wicker
Rehberg	Shuster	Wilson (NM)
Reichert	Smith (NE)	Wilson (SC)
Renzi	Smith (TX)	Wolf
Reynolds	Sullivan	Young (FL)
Rogers (MI)	Tancredo	
Rohrabacher	Terry	

NOES—258

Abercrombie	Gutierrez	Murphy (CT)
Allen	Hall (NY)	Murphy, Patrick
Altmire	Hall (TX)	Murtha
Andrews	Hare	Nadler
Arcuri	Harman	Napolitano
Baca	Hastings (FL)	Neal (MA)
Baird	Herger	Oberstar
Baldwin	Hersteth	Obey
Barrow	Higgins	Ortiz
Bartlett (MD)	Hill	Pallone
Bean	Hinchey	Pascarell
Becerra	Hinojosa	Pastor
Berkley	Hirono	Payne
Berman	Hodes	Perlmutter
Berry	Hoekstra	Peterson (MN)
Bishop (GA)	Holden	Peterson (PA)
Bishop (NY)	Holt	Petri
Blumenauer	Honda	Platts
Boren	Hooley	Pomeroy
Boswell	Hoyer	Price (NC)
Boucher	Inslee	Pryce (OH)
Boyd (FL)	Israel	Rahall
Brady (PA)	Issa	Ramstad
Brady (TX)	Jackson (IL)	Rangel
Braley (IA)	Jackson-Lee	Reyes
Brown, Corrine	(TX)	Rodriguez
Butterfield	Johnson (GA)	Rogers (KY)
Capuano	Johnson (IL)	Ross
Cardoza	Johnson, E. B.	Rothman
Carnahan	Jones (NC)	Roybal-Allard
Carney	Jones (OH)	Royce
Carson	Kagen	Ruppersberger
Castor	Kanjorski	Rush
Chabot	Kaptur	Ryan (OH)
Chandler	Kennedy	Salazar
Clarke	Kildee	Sanchez, Linda T.
Clay	Kilpatrick	Sanchez, Loretta
Cleaver	Kind	Sarbanes
Clyburn	Klein (FL)	Schakowsky
Cohen	Kucinich	Schiff
Conyers	Kuhl (NY)	Schwartz
Cooper	Lampson	Scott (GA)
Costa	Langevin	Scott (VA)
Costello	Lantos	Serrano
Courtney	Larsen (WA)	Sestak
Cramer	Lee	Shea-Porter
Crowley	Levin	Sherman
Cubin	Lewis (CA)	Shuler
Cuellar	Lewis (GA)	Simpson
Cummings	Lipinski	Sires
Davis (AL)	LoBiondo	Skelton
Davis (CA)	Loeback	Slaughter
Davis (IL)	Loftgren, Zoe	Smith (NJ)
Davis, Lincoln	Lowey	Smith (WA)
DeFazio	Lynch	Snyder
DeGette	Mahoney (FL)	Solis
DeLauro	Maloney (NY)	Souder
Dingell	Markey	Space
Doggett	Marshall	Spratt
Donnelly	Matheson	Stearns
Doyle	Matsui	Stupak
Dreier	McCarthy (NY)	Sutton
Edwards	McCollum (MN)	Tanner
Ellison	McDermott	Tauscher
Ellsworth	McGovern	Taylor
Emanuel	McHugh	Thompson (CA)
Engel	McIntyre	Thompson (MS)
Eshoo	McKeon	Tierney
Etheridge	McNerney	Towns
Everett	McNulty	Turner
Filner	Meek (FL)	Udall (CO)
Fortenberry	Meeks (NY)	Udall (NM)
Frank (MA)	Melancon	Van Hollen
Frelinghuysen	Michaud	Velázquez
Giffords	Millender	Vislosky
Gillibrand	McDonald	Walsh (NY)
Gillmor	Miller (NC)	Walz (MN)
Gonzalez	Mitchell	Wamp
Goode	Mollohan	Wasserman
Gordon	Moore (KS)	Schultz
Green, Al	Moore (WI)	Waters
Green, Gene	Moran (KS)	Watson
Grijalva	Moran (VA)	

Watt	Wexler	Wynn
Waxman	Whitfield	Yarmuth
Weiner	Wilson (OH)	Young (AK)
Welch (VT)	Woolsey	
Weller	Wu	

□ 1430

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I am proud to be here today to bring to the floor of the House of Representatives, H.R. 985, the Whistleblower Enhancement Protection Act of 2007. A month ago today this important bill passed the House Committee on Oversight and Government Reform unanimously by a vote of 28-0. I strongly support the bill, and I hope it will receive a similar level of bipartisan support on the floor of the House of Representatives today. We need to send a strong message that protecting the rights of whistleblowers is not a Democratic issue, it is not a Republican issue, it is an issue that impacts the lives and the safety of every American citizen.

Whistleblowers have long been instrumental in alerting the public and the Congress to wrongdoing in Federal agencies. In many cases, the brave actions of whistleblowers have led to positive changes that have resulted in more responsible, safe and ethical practices. In some instances, the actions of whistleblowers have even saved lives.

Unfortunately, despite the importance of whistleblowers in ensuring government accountability and integrity, court decisions by the U.S. Court of Appeals for the Federal Circuit have undermined whistleblower protections and have unreasonably limited the scope of disclosures protected under current law.

The hearings that Chairman WAXMAN and Ranking Member DAVIS have been holding in the Committee on Oversight and Government Reform in the 110th Congress have highlighted the need for expanded protections for workers who shed light on wrongdoing by government agencies and departments. Several hearings held by the committee have helped uncover waste and fraud in government contracting, both here in the United States, and in Iraq, waste and fraud which has led to the loss of billions of taxpayer dollars and has jeopardized the safety of Americans here at home and those serving abroad.

At another hearing, we learned that some officials in the Bush administration have sought to manipulate Federal climate science, compromising the health and safety of American families and the future of the planet solely for political gain.

Perhaps the starkest reminder of the need to protect those who remain silent in the face of government wrongdoing came at last week's hearing at Walter Reed, at which we learned about the terrible living conditions and bureaucratic hurdles that soldiers have endured there.

At the hearing, it became clear that nobody dared to complain about the squalid living conditions and inadequate care at what is supposed to be the best military facility in the world because of fear of retribution.

Because of this fear, it took an expose by a newspaper in order for action

to be taken on these severe and systemic problems, and many of our Nation's heroes had to suffer there for far too long.

The Whistleblower Protection Enhancement Act of 2007 makes important changes to existing law that will strengthen protections for government workers who speak out against illegal, wasteful and dangerous practices.

The bill protects all Federal whistleblowers by clarifying that any disclosure pertaining to waste, fraud or abuse, "without restriction as to time, place, form, motive, context or prior disclosure," and including both formal and informal communications, is protected.

The bill also gives whistleblowers access to timely action on their claims, allowing them access to Federal district courts if the Merit Systems Protection Board does not take action on their claims within 180 days.

In addition, the bill clarifies that national security workers, employees of government contractors, and those who blow the whistle on actions that compromise the integrity of Federal science are all entitled to whistleblower protection.

As we continue to fight terrorism and other national security threats, this landmark legislation will give whistleblower protections to national security whistleblowers for the first time. It may be hard to believe, but currently employees at key government agencies in charge of protecting the United States, including the FBI, the CIA, and the Transportation Security Administration, are excluded from whistleblower protections.

These are the employees who work every day to keep our country safe and secure. These workers deserve to have the same protection as other Federal employees, and the American public deserves to know that workers who come forward with information that is essential to national security will not be punished for helping to keep us safe.

A good example is former FBI agent Coleen Rowley, Time magazine's Person of the Year in 2002. Special Agent Rowley graduated from Wartburg College in Waverly, Iowa, which is located in my district. Like me, she received her law degree from the University of Iowa College of Law. She is married and has four children.

After the terrorist attacks on 9/11, Special Agent Rowley wrote a paper for the Director of the FBI, which laid out in detail how personnel at FBI headquarters failed to take action on concerns raised by the Minneapolis field office concerning its investigation of suspected terrorist Zacarias Moussaoui. These failures, identified by Special Agent Rowley, could have left the United States vulnerable to September 11 attacks in 2001. Special Agent Rowley later testified before the Senate and the 9/11 Commission about these very same concerns.

Following those hearings, Iowa Senator CHUCK GRASSLEY, a Republican

NOT VOTING—33

Ackerman	Forbes	Meehan
Boyd (KS)	Granger	Miller (FL)
Brown (SC)	Hastings (WA)	Miller, George
Camp (MI)	Hulshof	Oliver
Capps	Jefferson	Radanovich
Davis, Jo Ann	Johnson, Sam	Rogers (AL)
Deal (GA)	LaHood	Ryan (WI)
Delahunt	Larson (CT)	Saxton
Dicks	Linder	Shadegg
Farr	Mack	Stark
Flake	McCrery	Weldon (FL)

□ 1428

Messrs. KUHLMAN of New York, BAIRD, SCOTT of Georgia, MCNERNEY, PAYNE, RAHALL, ISSA, POMEROY and FRANK of Massachusetts changed their vote from "aye" to "no."

Mr. BOEHNER changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WHISTLEBLOWER PROTECTION
ENHANCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 985.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Iowa (Mr. BRALEY) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.